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T.R.A. DOCKET ROOM
October 15, 2003

VIA HAND DELIVERY

Hon. Deborah Taylor Tate, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Hon. Ron Jones, Director
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Hon. Sara Kyle, Director
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Hon. Pat Miller, Director
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *Implementation of the Federal Communications Commission's
Triennial Review Order (Nine-month Proceeding)*
Docket No. 03-00491

*Implementation of the Federal Communications Commission's
Triennial Review Order (Nine-month Proceeding) (Hot Cuts)*
Docket No. 03-00526

*Implementation of the Federal Communications Commission's
Triennial Review Order (Nine-month Proceeding) (Loop & Transport)*
Docket No. 03-00527

Dear Chairman Tate and Directors Kyle, Jones and Miller:

As you know, BellSouth Telecommunications, Inc. ("BellSouth") and the Competitive Carriers of the Southeast ("CompSouth") have reached agreement on proposed procedures to facilitate the Tennessee Regulatory Authority's resolution of the above-referenced proceeding. A copy of those proposed procedures were filed with you last week.

With regard to discovery, BellSouth believes it unlikely that every telecommunications carrier in Tennessee with information relevant to these dockets will intervene voluntarily. The problem this causes is clear and serious. In order to resolve

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Docket No. 03-00491, for example, the Authority will have to learn where competitive carriers' switches are located, what kind of customers these switches serve, and where these customers are located. In Docket No. 03-00527, for example, the Authority will have to learn where providers have located transport facilities in the state of Tennessee. While getting this information from parties that have intervened in these proceedings should be relatively straight-forward in the context of the normal discovery process, obtaining information from carriers that have consciously elected not to participate may be more difficult.

To minimize the burden on the parties and the Authority in obtaining relevant discovery, BellSouth offers two alternatives. Either process will make these proceedings considerably more manageable and will avoid the Staff having to propound the discovery. First, the Authority could make all telecommunications carriers that have a certificate of authority in Tennessee parties to these proceedings for the limited purpose of discovery. This would allow the parties to serve written discovery on other carriers that have elected not to intervene. These carriers would not have to otherwise participate in these proceedings if they choose not to do so. Following this approach would be very helpful in meeting the tight deadlines under which the Authority and the parties are operating.

The second alternative would be to simply authorize the parties to ask other telecommunications carriers for information regarding their facilities and operations through the already-established administrative subpoena process provided for in Rule 1220-1-2-.13.

Authority Rules 1220-1-2-.13, *Subpoenas and Subpoenas Duces Tecum*, provides as follows:

At the request of any party, the Hearing Officer shall issue signed subpoenas, including subpoenas *duces tecum*, in blank, in accordance with the Tennessee Rules of Civil Procedure, except that service in contested cases may be certified upon return receipt mail, in addition to the means of service provided in the Tennessee Rules of Civil Procedure.

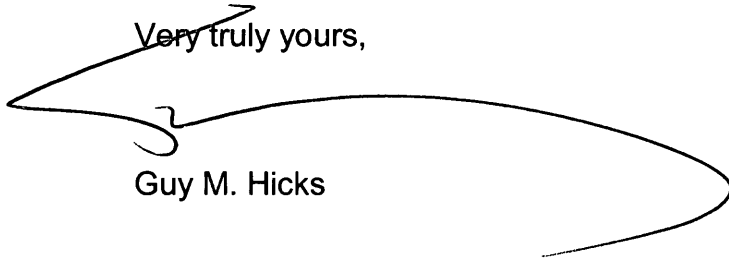
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Parties shall complete and serve their own subpoenas. This section may not be used to circumvent the provisions of Rule 1220-1-2-.11.¹

The latter alternative is simpler to implement because it relies on an existing Rule. The TRA need not take any action except to issue the subpoenas the parties request and enforce them if a non-party refuses to respond.

BellSouth thanks you for your attention to this matter. Copies of this letter are being provided to counsel of record.

Very truly yours,

A large, stylized handwritten signature in black ink, starting with a large loop and ending with a long, sweeping horizontal stroke.

Guy M. Hicks

GMH:ch

¹ Statutory authority for this Rule is set forth in T.C.A. §§ 4-5-311, 65-1-209, 65-2-102, and 65-3-112. Rule 1220-1-2-.11 applies to discovery propounded among the parties. As stated, the normal discovery process, as streamlined by the proposed initial procedural order filed last week, would govern inter-party discovery. Therefore, Rule 1220-1-2-.11 is not being circumvented in any respect.

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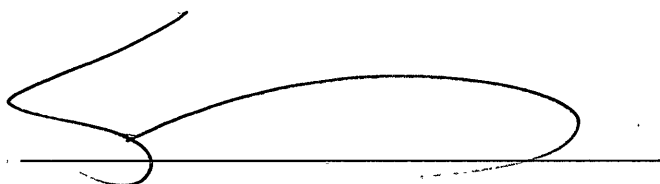
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